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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,336	11/19/2001	Takaya Nonomura	042206	8557
38834 7590 04/14/2008 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
CHOWDHURY, SUMAIYA A				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/988,336

Applicant(s)

NONOMURA, TAKAYA

Examiner

SUMAIYA A. CHOWDHURY

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-35 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-35 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C2)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 26-35 and 40 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 26-32, 34, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thibadeau (5565909) in view of Freeman (5682196)

As for claim 26, Thibadeau teaches a digital broadcast receiving device, comprising:

receiving means (set-top unit) for receiving a digital broadcasting signal that carries data representing advertising information and geographical area information for the advertising information – (The signal that the receiver receives includes a message/commercial and includes a location designation (geographical area information). – col. 14, lines 28-57, col. 10, lines 25-34);

means (processor) for providing position data representing the position of the digital broadcast receiving device in response to reception by the device of a transmission signal from a transmitter – (The processor has a stored location selection

which can default to a selection based on the location of the receiver. – col. 14, lines 28-57); and

selection means for selecting, in accordance with the position data and the geographical area information, advertising information received by the receiving means to be supplied to an output means (If there is a match between the geographical area information and the location of the set-top unit, the message is considered to be “interesting”, and is then stored for later retrieval – col. 14, lines 28-57).

However, Thibadeau fails to teach means for supplying the selected advertising information to the output means in response to reception of a timing signal, said timing signal being a beacon signal.

In an analogous art, Freeman teaches outputting selective content based on a reference beacon signal received – col. 5, lines 39-53, col. 11, lines 7-23.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Thibadeau's invention to include the above mentioned limitation, as taught by Freeman, for the advantage of aiding in the determination of content selections.

As for claim 27, Thibadeau teaches a digital broadcast receiving device according to claim 26, wherein the device is arranged to receive a transmission signal with a Global Positioning System receiving circuit (col. 20, lines 61-67).

As for claim 28, Thibadeau teaches a digital broadcast receiving device according to claim 26 or claim 27, wherein the device is arranged to receive a transmission signal with a beacon receiving circuit – col. 20, lines 29-33.

As for claim 29, Thibadeau teaches a digital broadcast receiving device according to claim 26, further comprising a memory for storing advertising information – (col. 13, lines 34-40, col. 14, lines 42-55).

As for claim 30, Thibadeau teaches a digital broadcast receiving device according to claim 29, wherein the device has a mode of operation in which the advertising information selected by the selecting means is stored in the memory information – (col. 13, lines 34-40, col. 14, lines 42-55).

As for claim 31, Thibadeau teaches a digital broadcast receiving device according to claim 29 or claim 30, in which the memory is also for storing geographical area information and wherein the device has a mode of operation in which the selection means is arranged to select advertising information stored in the memory – col. 14, lines 50-55.

As for claim 32, Thibadeau teaches a digital broadcast receiving device according to claim 26, further comprising message output means for outputting a message indicating the existence of advertising information selected by the selecting

means – col. 14, lines 45-57.

As for claim 34, Thibadeau teaches a digital broadcast receiving device according to claim 32, wherein the message output means comprises an on-screen display means – col. 14, lines 42-46.

As for claim 40, Thibadeau teaches a digital broadcast receiving device according to claim 26, further comprising output means for outputting at least one of video and audio – col. 7, lines 48-51.

4. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thibadeau and Freeman in view of Reams (5907793).

As for claim 33, Thibadeau and Freeman fail to teach a digital broadcast receiving device according to claim 32, wherein the message output means comprises a speech synthesis circuit.

In an analogous art, Reams teaches message output means comprises a speech synthesis circuit – col. 9, lines 1-10.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Thibadeau and Freeman's invention to include the

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abovementioned limitation, as taught by Reams, for the advantage of generating audible information thereby alerting the user of a received message.

5. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thibadeau and Freeman in view of Banker (5317391)

As for claim 35, Thibadeau and Freeman fail to teach a digital broadcast receiving device message output means comprises a light emitting diode.

In an analogous art, Banker teaches when the user receives a message, the LED blinks on and off to indicate availability of content - col. 9, lines 7-28.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Thibadeau and Freeman's invention to include the above mentioned limitations, as taught by Banker, for the advantage of indicating availability of content to the user.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/John W. Miller/

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Supervisory Patent Examiner, Art Unit 2623

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